

## **GUIDE FOR SEEKING E VISA STATUS GENERAL INSTRUCTIONS**

Application for a Treaty Trader (E-1) or Treaty Investor (E-2) visa by the trader, investor or certain of their employees is a two-step process. First, the U.S. business (the Enterprise) must qualify under the terms of U.S. law and regulation; second, the trader, investor, or the employee (the Applicant) of the Enterprise must apply for the visa to be placed in his/her passport. Applicants who are employees of Enterprises must be nationals of the same country as the investors or traders who control the Enterprise. Applicants must not intend to stay permanently in the United States. Additionally, Applicants who are employees of the Enterprise must either:

(a) be going to the US to work at an executive/managerial level

or

(b) be going to the U.S. to use their special skills which are (1) essential to the Company's operations in the United States and (2) not readily available on the U.S. labor market. Where the special skill employee need is identified as short-term, the Enterprise must be seeking to develop and teach its U.S. citizen, or legal permanent resident, employees these special skills to replace these employees.

Qualification of the Enterprise is required prior to the issuance of an E visa to any Applicant.

Note: this rule applies even to Applicants who have received a change of status to E-1 or E-2 from Citizenship and Immigration Services (formerly INS) in the United States. If the Enterprise has not yet qualified for Treaty Trader/ Investor status, Applicants should provide the information requested both in Part A and Part B of this guide.

If the Enterprise has qualified for Treaty Trader/Investor status in the past five years, Applicants should provide the information requested in Part B of this guide for the trader, investor, or employee and any of their family members. If it has been more than five years since the Enterprise qualified for Treaty Trader/Investor status, Applicants should provide the information requested both in Part A and Part B of this guide.

General Information is provided in Part C of this guide.

### PART A – ENTERPRISES

#### 1. QUALIFYING THE ENTERPRISE

Complete and forward the two Nonimmigrant Visa applications ([DS-156 and Supplement DS-156 E](#)) for each person seeking E status. Be sure to enclose the requested supporting documents and application fee for each Applicant.

#### 2. NOTIFICATION OF QUALIFICATION

Within eight weeks of receipt of the application, we will inform Applicants whether they and the Enterprise qualifies for E visa status.

Regrettably, delays in determinations and notifications may be experienced during the summer months when demand for all types of visas is traditionally at its peak.

If the Enterprise fails to qualify for or maintain E status, we will send an e-mail of explanation. You may discuss the matter further by writing to the Treaty Visa Officer (see Part C – General

Information).

If the Enterprise and applicant qualifies for or has maintained E status, we will ask you to submit the passport of each Applicant, whether trader, investor, or employee, and those of any of their family members who wish to accompany or follow to join the Applicant. You will pay the issuance fees at that time .

## PART B - TRADERS, INVESTORS, OR EMPLOYEES OF ENTERPRISES AND THEIR SPOUSE AND CHILDREN

Please click on the appropriate link for complete instructions on applying for an E-1 or E-2 visa:

1. [Treaty Trader Visa \(E-1\)](#)
2. [Treaty Investor Visa \(E-2\)](#)
3. [E-1 or E-2 Application for Large Multinational Corporations](#)
4. [E Visa Renewals](#)

### **FOR FAMILY MEMBERS: THE SPOUSE AND CHILDREN OF A TREATY TRADER/INVESTOR OR AN EMPLOYEE OF AN ENTERPRISE**

The spouse and children (unmarried and under 21 years of age) of Applicant, may also qualify to receive dependent E status to accompany or follow to join their spouse or parent. They are not required to have the same nationality as the Applicant to obtain an E-visa.

Fiancées do not meet the definition of spouse under U.S. law and therefore are not entitled to dependent E visa status until legal marriage exists. "Concubinage" under French law does not meet the definition of marriage under U.S. visa law.

Those Applicants who wish to have their spouse and children accompany, or follow to join, them to the U.S. must provide proof of the relationships claimed with their application. If the passports of the spouse and children note the relationships claimed, no additional proof of the relationships need be provided. A spouse whose surname on the passport differs from the surname of the employee should submit a copy of the marriage certificate; a child whose surname differs from that of the employee should submit a copy of his/her birth certificate. For French citizens, we will accept the Livret de Famille as evidence of relationships. Original proof of relationship must be presented at the time of the application in person at the Consular Section.

Dependents of the principal E visa holder are granted no express rights or privileges to engage in employment in the United States, unless they independently qualify for a visa classification permitting employment (E, H, or L classifications). However, E visa dependents may now request work authorization from CIS upon entry to the U.S. with a dependent E visa. Dependents may enroll in school while in E status. Nevertheless, those who will be pursuing a full course of study may wish to apply for student visas (F or M classifications) since certain benefits arise from being admitted to the U.S. as a student which are not available under the provisions for dependent E visa holders.

## PART C – GENERAL INFORMATION

As of October 8, 2002, all Applicants are required to provide an email address.

As of October 1, 2001, VISA APPLICATIONS should **only** be submitted by mail.

You may select one of the links below for complete application instructions:

1. [Treaty Trader Visa \(E-1\)](#)
2. [Treaty Investor Visa \(E-2\)](#)
3. [E-1 or E-2 Application for Large Multinational Corporations](#)
4. [E Visa Renewals](#)

When and only when the E case has been pre-approved, the Consulate will invite the Applicant to come in for an interview with:

(a) A valid passport;

(b) The issuance fee. The issuance fee varies according to Nationality. For French citizens there is no issuance fee, only the application fee paid by mandat-compte, which is due at the time the application is filed. Fees for citizens of other countries vary according to reciprocity fee schedules.

(c) A traceable envelope for the return of the passport.

### 1. SUBMITTING MATERIAL TO THE EMBASSY FOR REVIEW

All written material should be submitted **by mail** to:

CONSULAR SECTION  
OFFICE OF VISA SERVICES  
**ATTENTION: TREATY VISA OFFICER**  
18, AVENUE GABRIEL  
75008 PARIS, FRANCE

### 3. VALIDITY PERIOD OF THE E VISA AND E STATUS IN THE U.S.

Treaty visas issued to passport holders of most treaty countries are valid for multiple applications for entry to the United States during the visa validity period. The maximum validity period for French treaty visas is five years, but the actual validity of each visa is subject to the discretion of the Consular Officer.

The permitted length of stay in the United States is determined by CIS at the port of entry. The CIS usually grants an initial period of twelve months, renewable annually as long as the individual and the Enterprise are entitled to treaty status.

Note, however, the renewal of E status by CIS does not prolong the validity period of the

visa issued by an Embassy or Consulate. A valid visa and passport are always necessary for entry into the United States.

#### 4. FURTHER REQUESTS FOR INFORMATION

**AS WITH ANY VISA APPLICATION, THE EMBASSY RESERVES THE RIGHT TO REQUIRE ADDITIONAL INFORMATION.**